

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TYRONE NOEL NUNN,

Plaintiff

v.

HIGH DESERT STATE PRISON, et al.,

Defendants.

Case No. 2:24-cv-02050-RFB-EJY

ORDER

On November 1, 2024, Plaintiff submitted a Civil Rights Complaint (ECF No. 1-1) but did not pay the \$405 filing fee or submit an application to proceed *in forma pauperis* (“IFP”), one of which is necessary to commence a civil action.

The Court notes that Plaintiff has filed over 70 *pro se* lawsuits in this district since July 2023.¹ Dozens of these lawsuits have been dismissed because Plaintiff failed to correct fundamental defects with them like filing a single, signed complaint and either paying the filing fee or filing a complete IFP. Although the Court will give Plaintiff an opportunity to file an IFP or pay the full filing fee in this case, the Court is considering other case management options for Plaintiff, including recommending immediate dismissal of a case or declaring Plaintiff a vexatious litigant, if his unwillingness to file the documents necessary to initiate a civil action continues. *See Ready Transp., Inc. v. AAR Mfg., Inc.*, 627 F.3d 402, 404 (9th Cir. 2010) (holding that it is well-established that district courts have the inherent power to control their docket).

As Plaintiff is well aware, he must pay the filing fee or complete an IFP. To proceed *in forma pauperis*, that is, without **prepaying** the filing fee, Plaintiff must comply with 28 U.S.C. § 1915(a) and Local Rule LSR 1-2. This requires Plaintiff to submit **three** required documents to the Court including: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court’s approved form (*i.e.* pages 1 through 3 with the inmate’s two signatures on page 3), (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (*i.e.* page 4 of this Court’s

¹ The Court takes judicial notice of the online docket records of the U.S. Courts, which may be accessed by the public at: <https://pacer.uscourts.gov>.

1 approved form), and (3) a copy of the **inmate's prison or jail trust fund account statement for**
2 **the previous six-month period.**

3 Accordingly, IT IS HEREBY ORDERED that no later than **December 20, 2024**, Plaintiff
4 must either pay the \$405 filing fee for a civil action or file with the Court: (1) a complete **Application**
5 **to Proceed in Forma Pauperis for Inmate** on the Court's approved form; (2) a **Financial**
6 **Certificate** properly signed by both the inmate and a prison or jail official; and (3) a copy of the
7 **inmate's prison or jail trust fund account statement for the previous six-month period.**

8 IT IS FURTHER ORDERED that the Clerk of the Court **must** send to Plaintiff (1) the
9 application to proceed *in forma pauperis* for inmates, and (2) instructions for completing this form.

10 IT IS FURTHER ORDERED that failure to pay the \$405 filing fee or file a complete IFP on
11 or before **December 20, 2024**, will result in a recommendation to dismiss this action **without**
12 **prejudice.** A dismissal without prejudice allows Plaintiff to file his case with the Court, under a new
13 case number, when he is able to comply with LSR 2-1 and file a complete IFP or pay the required
14 filing fee.

15 Dated this 19th day of November, 2024.

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18 ELAYNA J. YOUCHAK
19 UNITED STATES MAGISTRATE JUDGE
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